

*** NOT FOR PUBLICATION ***

NO. 25669

IN THE SUPREME COURT OF THE STATE OF HAWAII

THE ESTATE OF BRENT MATTHEW RUSNAK, Deceased.

APPEAL FROM THE FIRST CIRCUIT COURT
(PROBATE NO. 02-1-0454)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.)

Upon review of the record, it appears that the February 24, 2003 order granting the petition for authority to compromise claims, the Honorable Colleen K. Hirai, presiding, fully addressed all claims raised in the petition to which it related, but did not finally end the proceeding in Probate No. 02-1-0454. The February 24, 2003 order was not certified for appeal in the manner provided for by HRCP 54(b) and was not reduced to a separate certified judgment. Absent such certification and entry of a certified judgment, the appeal of the February 24, 2003 order is premature and we lack jurisdiction. See HPR 34(a) and (d); HRS § 641-1(a). Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawaii, September 17, 2003.